

EXHIBIT B

EEOC Form 5 (11/10/9)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: <input type="checkbox"/> FEPA CRF EEOC		Agency(ies) Charge No(s): 520-2019-05656	
_____ and EEOC <small>State or local Agency, if any</small>					
Name (Indicate Mr., Ms., Mrs.) Mr. Patrick Conway		Home Phone (Incl. Area Code) (718) 578-8417		Date of Birth 1978	
Street Address _____ City, State and ZIP Code _____ 4712 28th Ave, Astoria, NY 11103					
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)					
Name HEALTH FIRST		No. Employees, Members Unknown		Phone No. (Include Area Code) (866) 463-6743	
Street Address _____ City, State and ZIP Code _____ 100 Church St, Nye, NY 10007					
Name 		No. Employees, Members 		Phone No. (Include Area Code) 	
Street Address _____ City, State and ZIP Code _____ 					
DISCRIMINATION BASED ON (Check appropriate box/es) <div style="display: flex; flex-wrap: wrap; justify-content: space-around;"> <div><input type="checkbox"/> RACE</div> <div><input type="checkbox"/> COLOR</div> <div><input checked="" type="radio"/> SEX</div> <div><input type="checkbox"/> RELIGION</div> <div><input type="checkbox"/> NATIONAL ORIGIN</div> <div><input checked="" type="radio"/> RETALIATION</div> <div><input type="checkbox"/> AGE</div> <div><input checked="" type="radio"/> DISABILITY</div> <div><input type="checkbox"/> GENETIC INFORMATION</div> <div><input type="checkbox"/> OTHER (Specify)</div> </div>				DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 05-21-2018 05-21-2018 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)). Please see attached.					

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct. <div style="display: flex; justify-content: space-between; align-items: center;"> <div> Sep 12, 2019 <small>Date</small> </div> <div style="text-align: center;"> </div> </div>	NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small>
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Patrick Conway
4712 28th Ave, Astoria, NY 11103

September 12, 2019

Re: Charge of Discrimination - EEOC Inquiry: 520-2019-05656

I am a male registered nurse, aged 41 years, with a Law Degree, and I have several illnesses. I believe that I was discriminated against by Healthfirst Inc., through unfair hiring practices and retaliation encountered during the application, interview, and hiring process because of my illnesses and disability accommodation request, age, and sex. These encounters occurred by at least six Healthfirst Inc., employee contacts through written emails/phone calls from Mr. Chris Smith (Director of Talent Human Resources), Ms. Tubens (Contract Sourcer Talent Acquisition), and Ms. McCredie Senior Clinical Sourcer). Statements were made to me that I needed to inform the Human Resources department about my illnesses and accommodation inquiry. After calling/emailing Human Resources (emails on March 3, 2019 and May 22, 2019) as instructed by the above employees, I was told I was no longer qualified for any of the positions applied for or offered to me.

On a May 21, 2019 phone call, Mr. Smith laughed at my request for a reasonable accommodation and asked what my illnesses were and to describe my reasons for an accommodation in detail. Mr. Smith then stated he had every one of my emails time stamped in front of him, which meant he was just mocking me and already had access to the emails in which I explained my illnesses. This was just a game to humiliate me, another example of the continued abuse and harassment I encountered. The proof of this is the time stamped emails regarding my illnesses are dated months prior to the May 21 call from Mr. Smith. Mr. Smith then explained he has been “doing” these “types of complaints” for over 20 years, was a pro, went to law school (made representations as if he was an attorney), and just had a meeting with the Head of the Office of Federal Compliance Contract Programs in May 2019. I believe this was intended to scare and intimidate me from filing a complaint. The feeling of being laughed at for being sick, something that I can’t control, is a pain that is difficult to express. But it is a devastating feeling. I would like to formally request in writing Mr. Smith deny that he asked about my accommodation and illness and then laughed at me. I genuinely believe once I can prove that a Director would act this way without any consequence, and laugh at an illness, all of the other allegations become more credible and the culture at Healthfirst becomes apparent. I believe diversity audit based on age, sex, and illness, will also support these allegations.

I filed an internal complaint, but never received a follow up from their Compliance Dept. Instead, I was misled and tricked by Mr. Smith to call the Healthfirst “compliance department,” when in reality I called a third-party company, and talked to them about private and personal medical details, all the while believing I was sharing my information only with the Healthfirst compliance dept., in confidence as instructed by Mr. Smith in an email on July 10, 2019. Healthfirst sent me written emails that show an email and phone number titled “Healthfirst Compliance Dept” phone 877.879.9137 or “hfcompliance.ethicspoint.com” that is supposed to be Healthfirst, but is an unsecure third-party call center that does not investigate and now has my private data. I believe this was retaliation by intentional breach of my personal medical and illness information to humiliate me and invade my privacy by trickery.

Ms. Tubens called/emailed me, and I believed offered me a job (ref# R003081) on May 13, 2019. I believe this was offered to me as punishment for making an accommodation request and complaint. A follow up email from Ms. Tubens on May 13, 2019 states “I look forward to working with you.” In context, I believe this is proof that we had a conversation where a job was offered to me. Following that exchange, I contacted Healthfirst again inquiring about a disability accommodation. On May 21, 2019 I was told that I was disqualified for the job by email and by Mr. Smith and according to Mr. Smith the exchange that I had in writing never happened and I was making things up. The level of mockery and outrageous fabrications of truth and fake job offers are I believe an attempt to take advantage and torment me because they believe a person that is sick will not have the ability or desire to seek justice. Even with email proof, Mr. Smith insisted that that person didn’t work at Healthfirst and the correspondence I was referencing didn’t exist. He stated I should pay more attention to detail, making me feel like I was a mistaken child or had some mental illness that prevents me from understanding basic facts and to question my own memory and perception. I believe the term for this abuse is called “Gaslighting.” This is well documented as harassment, torment, and abuse.

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Later I learned, that there was no justifiable or reasonable need to require me to detail any part of my illness in writing or to Mr. Smith prior to a job offer. Some staff even apologized to me. Mr. Smith stated that some applications are immediately disqualified due to salary expectations which are built into their online applications.

There is no unreasonable burden associated with any of my accommodation requests. A telecommute position effectively eliminates the need for accommodations as working from home is in itself a reasonable job accommodation already offered by Healthfirst. I agreed to take a position below what a reasonable person with my skills and education would take or even apply for because I was attempting to compromise and Healthfirst had made me feel inadequate because of my illness. I thought that asking for an accommodation for a position that may create a burden would pose difficulties. But now after going through this torment, I don't see why I needed to burden myself in the first place.

Respectfully,

Patrick Conway, JD RN
